




CLOSED CASE SUMMARY

ISSUED DATE: MAY 20, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0402

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.140 - Bias-Free Policing, 5.140-POL-2 Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

While interviewing the Complainant in 2022OPA-0314, the Complainant alleged that unspecified employees engaged in bias-based policing by treating him differently due to his race.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General's review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the involved employees. As such, OPA did not interview the involved employees in this case.

SUMMARY OF INVESTIGATION:

This case is one of three OPA opened regarding the same incident. The first case, 2022OPA-0314, was opened based on a claim for damages the Complainant filed against the City of Seattle. OPA did not interview the Complainant during the intake of that investigation because the Complainant was represented by an attorney and the details of the interview could not be arranged within the thirty-day intake period. See OPA Internal Operations and Training Manual (OPA Manual), Section 4.4 – Complainants Represented by an Attorney (setting forth procedure to ensure complainants' rights are fully protected). OPA investigated allegations in that case that officers failed to make a reasonable effort to protect the Complainant, did not recognize the urgency of providing the Complainant with medical aid, and lied to the Complainant about him going to jail.

After 2022OPA-0314 was classified, OPA was able to coordinate an in-person interview with the Complainant. During that interview, the Complainant alleged he was treated in a biased manner due to his race. Specifically, the Complainant alleged his medical needs were neglected and that representatives from every agency on scene were biased because they did not take him to the hospital when he demanded. The Complainant alleged the evidence of



bias was that SFD was delayed in arriving, SPD influenced SFD by hovering over them, and officers told him he was going to the hospital but took him to jail. OPA opened this second investigation (2022OPA-0402) for these allegations.

Third, during the certification review for 2022OPA-0402, OIG alerted OPA to specific statements made on BWV that the Complainant would have been treated better if he were not a person of color. BWV showed that an SPD officer and SPD sergeant were present when these comments were made but failed to report and investigate these comments as required by SPD Policies 5.140-POL-6 and 5.140-POL-7. OPA initiated a third intake (2022OPA-0438). Following the intake, OPA returned these reporting and investigation allegations to the chain of command to process as Supervisor Actions. See OPA Manual, section 5.4(B)(ii).

The facts relevant to this case were set forth in the investigation and DCM for OPA Case 2022OPA-0314. In summary, the Complainant's mother (Community Member #1 or CM#1) called 9-1-1 to report that the Complainant had been stabbed by his girlfriend (Community Member #2 or CM#2). Around the same time, CM#2 called 9-1-1 to report the Complainant tried to kill her, so she stabbed him. SPD officers and United States Marshalls Task Force members arrived at CM#1's house. After an investigation, officers determined CM#2 was the victim in a domestic violence incident. The Complainant was arrested for the domestic violence incident as well as a separate, outstanding felony warrant. The Complainant was transported to King County Jail, where he was medically declined. The Complainant was then transported to Harborview Medical Center.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.140 - Bias-Free Policing, 5.140-POL-2 Officers Will Not Engage in Bias-Based Policing

The Complainant alleged unspecified employees engaged in bias-based policing.

SPD policy prohibits biased policing, which it defines as "the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well other discernible personal characteristics of an individual." SPD Policy 5.140-POL. This includes different treatment based on the race of the subject. See *id.*

During his interview, the Complainant made a broad allegation of bias premised on his assertions that, (1) his medical needs were neglected, and (2) CM#1 stated that "this wouldn't happen if he wasn't black," and the Complainant's sister stated "Black Lives Matter." This allegation is unfounded. OPA was unable to identify any SPD officer who appeared to treat NE#1 differently due to his race.

The Complainant's allegation that his medical needs were neglected was thoroughly investigated in OPA Case 2022OPA-0314. This allegation was determined to be unfounded for the reasons stated in the DCM for that case.

OPA also reviewed the BWV associated with this incident and did not observe anyone making the exact statements the Complainant attributed to his mother and sister. The most similar statement OPA observed was an unknown female voice stating, "if he was of color, he would gotten more better treatment." OPA opened an intake concerning the alleged failure of two SPD employees to report and investigate this statement, which ultimately resulted in a Supervisor Action in OPA case 2022OPA-0438. However, during its review of this incident, OPA was unable to identify any evidence that the Complainant was treated differently due to his race.



When OPA asked the Complainant to clarify his bias allegation, he stated the entire incident constituted bias. As evidence, the Complainant stated SFD was delayed in arriving, SPD influenced SFD's treatment decisions, and SPD officers lied to him by telling him he was going to the hospital but then took him to jail. These allegations are unfounded. First, 9-1-1 audio recordings and SFD Records showed by a preponderance of the evidence that the delayed response by SFD was because SFD declined to respond to the scene until SPD was on site and could secure the scene. Second, OPA's review of BWV found no evidence that any SPD personnel influenced SFD medical decisions. To the contrary, SPD officers sought and relied on SFD's medical determinations to make their decision concerning whether to transport the Complainant to King County Jail or the hospital. Finally, OPA investigated the Complainant's allegation that SPD officers lied to him about taking him to the hospital and, instead, took him to jail. Even if such a lie could constitute evidence of bias—which is not clear—OPA investigated this allegation under 2022OPA-0314 and found no evidence that officers lied to the Complainant.

Accordingly, OPA recommends that this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**